



February 21, 2001

HOUSE BILL No. 1071

DIGEST OF HB 1071 (Updated February 20, 2001 11:02 AM - DI 106)

Citations Affected: IC 34-10.

Synopsis: Indigent parties in civil actions. Allows a court the option of appointing an attorney at no expense to an indigent person for the purpose of prosecuting or defending the person's interests in a civil action. Requires the court to pay reasonable attorney's fees and litigation expenses incurred by the appointed attorney.

Effective: Upon passage.

Ulmer, Munson, Kuzman

January 8, 2001, read first time and referred to Committee on Judiciary.
February 20, 2001, amended, reported — Do Pass.

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HB 1071—LS 6608/DI 51+



February 21, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1071

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-10-1-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. **(a) This section**
3 **shall not be construed to prohibit a court from participating in a**
4 **pro bono legal services program or any other program that**
5 **provides legal services to litigants without charge or at a reduced**
6 **fee.**

7 **(b)** If the court is satisfied that a person who makes an application
8 described in section 1 of this chapter does not have sufficient means to
9 prosecute or defend the action, the court: ~~shall:~~

10 (1) **shall** admit the applicant to prosecute or defend as an indigent
11 person; and

12 (2) **may** assign an attorney to defend or prosecute the cause.

13 **(c)** All officers required to prosecute or defend the action shall do
14 their duty in the case without taking any fee or reward from the
15 indigent person.

16 **(d) The reasonable attorney's fees and expenses of an attorney**
17 **appointed to represent an applicant under section 1 of this chapter**

HB 1071—LS 6608/DI 51+



1 shall be paid from the money appropriated to the court:
2 (1) appointing the attorney, if the action was not transferred
3 from another county; or
4 (2) from which the action was transferred, if the action was
5 transferred from another county.
6 SECTION 2. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1071, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 12, delete ", under exceptional circumstances,".

Page 1, delete lines 14 through 17.

Page 2, delete lines 1 through 10.

Page 2, line 11, delete "(e)" and insert "(c)".

Page 2, line 14, delete "(f)" and insert "(d)".

and when so amended that said bill do pass.

(Reference is to HB 1071 as introduced.)

STURTZ, Chair

Committee Vote: yeas 10, nays 2.

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